



## HOLTVILLE UNIFIED SCHOOL DISTRICT

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[www.holtville.k12.ca.us](http://www.holtville.k12.ca.us)

December 7<sup>th</sup>, 2011

Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Docket no. 02-6

Dear Federal Communications Commission:

Please find the enclosed Petition for Waiver and Request for Review filed on behalf of Holtville Unified School District.

Respectfully,

A handwritten signature in black ink, appearing to read "Jon K. LeDoux".

Jon K. LeDoux

Enclosures

Board of Trustees

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Kevin Grizzle   John Hawk   Ben Abatti, Jr.   Matthew Hester   Jared Garewal

## Petition for Waiver

December 7<sup>th</sup>, 2011

### Contact Name:

Mitchell Drye  
Holtville Unified School District  
621 East 6<sup>th</sup> Street  
Holtville, CA 92250

### Applicant:

Holtville Unified School District  
Billed Entity Number: 143702  
Service Provider SPIN #: 143027209  
Form 471 Application Number: 807589  
Funding Request Number: 2192281  
Funding Year 14: 7/1/2011 – 06/30/2012

We are appealing the Funding Decision Commitment Letter Dated November 15<sup>th</sup>, 2011 for the stated reason of "Contract Violation: DR1: FCC Rules require that a contract be signed and dated by the applicant prior to the filing of the Form 471 for the products/services requested. This requirement was not met". (See attachment A).

The reason for the Denial "Contract Violation" was due to the 471 certification being processed online by the district on March 20<sup>th</sup>, and the contract being countersigned by the District Superintendent on March 21<sup>st</sup>.

Our appeal is to request a waiver of the FCC rule requiring for the Contract to be completed prior to the certification of the 471 by the district.

### **Explanation:**

Holtville is requesting the waiver of the FCC requirement as this was an administrative error to the process and did not include any Waste, Fraud or Abuse of E-Rate.

Holtville has been participating in the E-Rate program since 1998 and has filed correctly in the past. We are a small district in the Southern California Imperial Valley. Due to the size of our District personnel perform multiple functions and have broad duties. Mitchell Drye is responsible for E-Rate for the district in addition to his other duties. For the funding request in question, all rules for the posting of the 470, allowable contract date, responses and decision making were followed, the lowest cost proposal was accepted and the 471 was filed in window.

The administrative error that occurred with this funding request is based on Mr. Drye doing work from home on a Sunday night (March 20<sup>th</sup>, 2011) to process the 471 on the SLD website in order to manage workload. Upon completing his work for the E-Rate process, he discovered the contract had not been signed by the Superintendent and being a weekend was not available for signature. The contract was signed the following morning – Monday March 21<sup>st</sup>.

**In other words, the FCC's competitive bidding and procurement rules and regulations were all followed.**

**As noted in the *Al-Ihsan Academy* FCC Appeal decision released on December 5, 2011:**

**"... the Commission has granted waivers in situations where applicants mistakenly signed their contracts or certified their FCC Forms 471 a few days before the allowable contract date."**

**In this instance, we did wait until *after* the contract award date; we just certified and submitted the Form 471 a day before it was signed by the Superintendent actually signed the contract.**

The timeline for the process is as follows:

470 date	1/24/2011
Allowable Contract Date	2/21/2011
RFP Date	1/24/2011
Response Due Date	3/4/2011
District Review of Bids	3/7-3/10/2011
District notification of award	3/11/2011
Contract Date	3/12/2011
Contract Signed by Vendor	3/12/2011
Contract Submitted to District	3/12/2011
Contracts approved by District	3/14/2011
471 Certified by District	3/20/2011
Contract signed by District	3/21/2011

Respectfully submitted



Jon K. LeDoux  
Superintendent